

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Jane Doe 1, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

Deutsche Bank Aktiengesellschaft, et. al.,

Defendants.

Case No. 1:22-CV-10018 (JSR)

**JOINT DECLARATION OF DAVID BOIES AND BRADLEY EDWARDS IN SUPPORT
OF CLASS REPRESENTATIVE JANE DOE 1’S MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT
WITH DEFENDANTS DEUTSCHE BANK AKTIENGESELLSCHAFT, ET AL**

I, David Boies and Bradley Edwards, declare as follows:

1. I, David Boies, am a member in good standing of the bar of the State of New York and am admitted to practice before this Court. I am the Chairman and a Managing Partner of Boies Schiller Flexner LLP (“BSF”). I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

2. I, Bradley Edwards, am a partner at Edwards Henderson Lehrman (“EHL”). I am an attorney at law duly licensed to practice before the courts of the state of New York. I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

3. The two law firms representing Plaintiffs, Boies Schiller Flexner LLP and Edwards Henderson Lehrman (collectively, “Class Counsel”), together with Paul G. Cassell, a professor at the S.J. Quinney College of Law at the University of Utah, have invested significant resources into

investigating and litigating this case and as such, have moved to be appointed Co-Lead Class Counsel.

4. We submit this declaration in support of the motion filed by Jane Doe 1 (“Plaintiff” or “Class Representative), for preliminary approval of class action settlement with Defendants Deutsche Bank Aktiengesellschaft, Deutsche Bank AG New York Branch, and Deutsche Bank Trust Company Americas (“Defendants” and together with Plaintiff, the “Parties”). Our firms represent the Class Representative in the above-captioned action (the “Litigation”).

A. Relevant Firm Experience

5. BSF has a strong record of successfully and diligently representing plaintiffs in complex class action litigation. Recent cases in which BSF or its partners were lead or co-lead counsel include: *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), in which the court granted preliminary approval of a settlement last month, on April 20, 2023; *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), an antitrust class action in which BSF achieved both what the court referred to as “historic” injunctive relief and a \$2.7 billion award in a settlement that received final approval in October 2022; *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), a products liability class action, which is still proceeding against certain defendants but in which BSF has already obtained a recovery of more than \$1.5 billion; and *In re Halliburton Securities Litigation* (13-317), in which BSF won two appeals to the U. S. Supreme Court before achieving a \$100 million recovery.

6. Another notable case in which BSF was lead counsel is *In re Auction House Antitrust Litigation* (1:00-cv-00648) (S.D.N.Y.), in which the firm won \$512 million in an antitrust class action after prior interim lead counsel valued the case at less than \$100 million.

7. BSF has expended substantial time and resources in actively and diligently litigating this action. The BSF litigation team has already devoted more than 4,759 hours and substantial resources in developing the Class Representative's case and undertaking substantial fact discovery.

8. EHL has similarly expended substantial time and resources in actively and diligently litigating this action. The EHL litigation team has devoted more than 3,865 hours and substantial resources in developing the Class Representative's case and undertaking substantial fact discovery.

9. Additionally, Paul G. Cassell has devoted over 500 hours into developing the Class Representative's case and undertaking substantial legal drafting.

10. The expenses that BSF and EHL have already incurred include the retention of expert witnesses, consultants, investigators, court reporters, videographers, and an e-discovery vendor.

11. EHL took a lead role in the initial research into this matter dating back to early 2021 and interviewed dozens of witnesses and dozens of survivors both in the United States and abroad, and reviewed tens of thousands of documents prior to filing of the complaint. EHL was responsible for drafting the initial complaint and maintaining constant communication with the Class Representative and other prospective class members throughout the course of this litigation. After the filing of the complaint, EHL conducted a number of interviews with confidential witnesses, took key depositions, and prepared witnesses for depositions including the Class Representative. EHL also worked alongside the Class Representative to identify, review, and produce tens of thousands of pages of discovery to the Defendants. EHL has also engaged in an extensive

investigation into the identity of the class members and has spent substantial time communicating with same.

12. BSF and EHL began collaborating on this matter in 2021. BSF took a lead role in drafting the Class Representative's opposition to Defendants' motion to dismiss and arguing it before the Court, resulting in the Court denying Defendants' motion, in part, and allowing the matter to proceed through discovery. BSF also took a lead role in drafting the Class Representative's motion to certify the class. BSF has also taken a number of depositions and has reviewed over 200,000 documents produced by Defendants in order to further develop class members' claims.

13. From May 9 to 10, 2023, BSF and EHL engaged in a multi-day, arms-length confidential mediation with Defendants before experienced mediators in large and complex civil sexual abuse matters and class actions, including Simone Lechuk of Melnick ADR. The mediation was preceded by the submission of mediation statements by the parties. The Parties engaged in good faith negotiations and reached an agreement in principle. The Parties negotiated a Confidential Term Sheet ("Term Sheet") memorializing their agreement to settle the Class's claims against Defendants and end the Litigation, and executed the Term Sheet on May 11, 2023. The Term Sheet included, among other things, the Parties' agreement to settle and dismiss with prejudice the Litigation and grant full mutual releases in return for a cash payment of \$75 million by and/or on behalf of Defendants for the benefit of the Class, subject to the negotiation of the terms of a Stipulation of Settlement and approval by the Court.

B. Team Members

14. The BSF litigation team includes partners David Boies, Sigrid McCawley, Andrew Villacastin, and twenty other lawyers, as well as a full support staff led by experienced paralegals.

15. **David Boies:** David Boies personally served as co-lead counsel in cases such as *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), *In re Halliburton Securities Litigation* (13-317), *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), *In re Vitamins Antitrust Litigation* (99-7256, 99-7281) (D.D.C.).

16. David Boies, along with Ms. McCawley, has represented survivors of Jeffrey Epstein's sex trafficking enterprise since June 2014. They brought their first case on behalf of survivors against Ghislaine Maxwell in 2015 and their first case against Jeffrey Epstein on behalf of survivors in 2016. They have also represented survivors in civil litigation against Epstein's Estate, *see Farmer v. Indyke, et al.* (1:19-cv-10474); *Farmer v. Indyke, et al.* (No. 1:19-cv-10475); *Helm v. Indyke, et al.* (1:19-cv-10476); *Bryant v. Indyke, et al.* (No. 1:19-cv-10479); *Doe 1000 v. Indyke, et al.* (1:19-cv-10577), and have represented survivors who made applications to the Epstein Victim's Compensation Fund. They have also represented an Epstein survivor in her civil lawsuit against Prince Andrew, *Giuffre v. Andrew* (21-cv-6702) (S.D.N.Y.).

17. **Sigrid McCawley:** Sigrid McCawley is a Managing Partner of BSF. Ms. McCawley's experience and talents have been nationally recognized, having been named Litigator of the Year by The American Lawyer, Top Ten Female Litigator in 2020–2022 by Benchmark Litigation, a finalist for Lawyer of the Year by the American Lawyer in 2022, a finalist for Attorney of the Year in Florida by Daily Business Review, and numerous other awards. Ms. McCawley has handled some of BSF's most challenging disputes, including securing a \$100 million victory in the landmark case before the U.S. Supreme Court in *In re Halliburton Securities Litigation* (No. 13-317).

18. Ms. McCawley's experience representing survivors of sexual abuse is also well-documented. As noted above, Ms. McCawley has devoted years of her career to advocating on behalf of survivors of Jeffrey Epstein, including in cases against Prince Andrew, Ghislaine Maxwell, and the Epstein Estate. Ms. McCawley was recognized by Forbes Magazine for her "iron clad interrogation skills" during the deposition of Ghislaine Maxwell. Her work contributed to the arrest of Jeffrey Epstein, Ghislaine Maxwell, and Jean Luc Brunel, and resulted in a successful resolution of claims for numerous Epstein survivors. Ms. McCawley's work for survivors of Jeffrey Epstein has been featured on Netflix, Lifetime, 60 Minutes, ABC, NBC, CBS, CNN, and Fox, and has been reported on in *The New York Times* and *The Wall Street Journal*.

19. **Andrew Villacastin:** Andrew Villacastin is a partner at BSF. In 2022, Mr. Villacastin was recognized in the 2023 edition of Best Lawyers in America as Ones to Watch for his work in commercial litigation. Mr. Villacastin also has significant experience litigating class actions—he is currently defending a life insurance company in multiple class action lawsuits and has represented a major bank in multidistrict LIBOR-related actions involving antitrust, securities, RICO, Commodities Exchange Act, and state law claims. As mentioned above, Mr. Villacastin has been a zealous advocate for survivors of Jeffrey Epstein for four years and has worked on many of the aforementioned Epstein-related cases alongside Ms. McCawley.

20. The EHL team includes Bradley Edwards, Brittany Henderson, and six other lawyers, as well as a full support staff led by experienced paralegals.

21. **Bradley Edwards:** Bradley Edwards has extensive experience in all aspects of sexual abuse, human trafficking, and complex litigation and is a board-certified trial lawyer. He specializes in representing crime victims across the country. Since 2008, he has represented Courtney Wild, a woman who was sexually abused by Jeffrey Epstein when she was 14 years old.

From 2008 to the present, he has represented more than 70 women in litigation brought against Jeffrey Epstein, his associates, his enablers, and his Estate. He has also sued the U. S. Government for violating the rights of Jeffrey Epstein's victims pursuant to the Crime Victims' Rights Act as a result of the secret plea deal that the Government extended to Epstein. He has presented at a number of national conferences and conventions on the legalities of his over-a-decade-long legal battle with Epstein. He received one of the Top 50 verdicts in the United States in 2015, 2016, and 2018 and two of the top Florida verdicts in 2011 and 2012. Throughout his career, he has obtained hundreds of millions of dollars in verdicts and settlements for his clients and has argued and tried cases in District and State courts around the country and before the U.S. Court of Appeals.

22. Mr. Edwards was named Lawyer of the Year by the Daily Business Review in 2020 and Lawyer of the Year in 2021 by the Florida Justice Association, both for his precedent-setting work on behalf of the survivors of Jeffrey Epstein and his work in defining the rights of crime victims in the United States. His professional peers have recognized him as a Top-Rated Lawyer through the Martindale-Hubbell© Peer Review Rating system and with an "AV" rating of "Very High to Preeminent" as a testament to his level of professional excellence and ethics. Mr. Edwards has been certified as a lifetime member of the Million Dollar Advocates Forum and the Multi-Million Dollar Advocated Forum. He has been profiled in the Best Lawyers in America and has been recognized by the National Trial Lawyers and SuperLawyers.

23. **Brittany Henderson:** Brittany Henderson is a partner at EHL, and an experienced trial lawyer recognized as a leader in the representation of crime victims and survivors of sexual abuse in civil litigation. Ms. Henderson was recognized in 2016 for obtaining one of the top 50 jury verdicts in the United States resulting from a high-profile sexual abuse case that was litigated in Federal Court in Chicago, Illinois. Ms. Henderson was again recognized in 2018 after she

obtained a \$71 million verdict in state court on behalf of a young woman who was sexually assaulted while working as a crew member on a yacht. Ms. Henderson has represented survivors of Jeffrey Epstein for nearly a decade and played an integral role in helping to establish the Epstein Victim's Compensation Fund, which was one of the largest and most successful claims fund programs in U. S. history. Ms. Henderson has been recognized repeatedly as a "Rising Star" by SuperLawyers and annually by the National Trial Lawyers Association's "Top 40 Under 40."

24. **Professor Paul G. Cassell:** Professor Cassell received a B.A. from Stanford University in 1981 before graduating Order of the Coif from Stanford Law School in 1984, serving as President of the *Stanford Law Review*. From 1984 to 1985, he clerked for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit and the following year for Chief Justice Warren E. Burger on the U.S. Supreme Court. From 1986 to 1988, he served as an Associate Deputy Attorney General for U.S. Department of Justice, providing advice on constitutional, criminal justice, natural resources, and antitrust issues. From 1988 to 1992, he was an Assistant Attorney General in the U.S. Attorney's Office for the Eastern District of Virginia, handling general felony cases. In 1992, Professor Cassell began teaching at the S.J. Quinney College of Law where he has taught evidence, criminal procedure, and crime victims' rights. He has been published widely in leading academic journals on crime victims' rights and other criminal justice issues, including articles appearing in the *Northwestern University Law Review*, *Michigan Law Review*, and *Stanford Law Review*. In 2002, Professor Cassell was confirmed by the U.S. Senate to serve as a U.S. District Court Judge for the District of Utah. In May 2020, he was ranked as one of the Top 250 most cited law scholars of all time by HeinOnline and has testified several times before congressional committees on criminal justice and other issues, as well as before many state legislative committees. Among other complex cases, from 2008 to 2022, along with co-

counsel Bradley Edwards, he represented victims sexually abused by Jeffrey Epstein in an effort to obtain criminal prosecution of those responsible for the sexual abuse. The case was filed under the Crime Victims' Rights Act. During the victim impact hearing concerning the dismissal of criminal charges against Jeffrey Epstein, Judge Richard M. Berman commented on Professor Cassell's writings and described him as "a noted expert in victims' rights." *U.S. v. Jeffrey Epstein*, No. 19-cr-490 (RMB), Tr. at 7 (S.D.N.Y. Aug. 27, 2019).

C. Exhibits in Support of Jane Doe 1's Motion for Preliminary Approval of Class Action Settlement

5. **Attached are true and accurate copies of the following documents:**
- a. **Exhibit 1:** The Stipulation and Agreement of Settlement, dated May 26, 2023.
 - b. **Exhibit 2:** Declaration of Mediator Simone Lelchuk, dated May 26, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 26, 2023

Respectfully Submitted,

By: /s/ Bradley J. Edwards

David Boies
Boies Schiller Flexner LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 446-2300
Facsimile: (212) 446-2350
Email: dboies@bsflp.com

Brad Edwards
Edwards Henderson Lehrman
425 North Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 524-2820
Email: brad@epllc.com